

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**SUSAN R. MICIOTTO \* CIVIL ACTION NO. 6:19-CV-00735**

**vs. \* JUDGE TERRY A. DOUGHTY**

**HOBBY LOBBY STORES, INC., \* MAG. JUDGE PATRICK J. HANNA  
ET AL.**

**MEMORANDUM RULING**

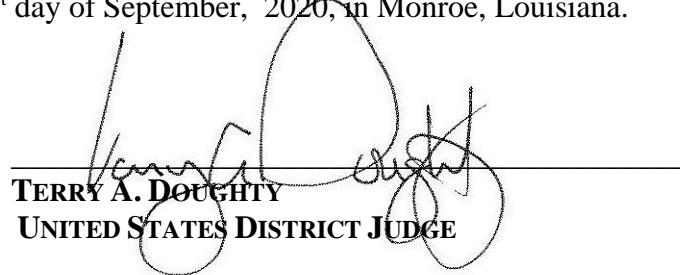
On September 19, 2018, Petitioner, Susan R. Miciotto (“Miciotto”), filed a Petition for Damages in the 15<sup>th</sup> Judicial District Court, Parish of Lafayette, Louisiana, against Hobby Lobby Stores, Inc. (“Hobby Lobby”) for damages as a result of a fall that occurred on the Hobby Lobby premises on November 30, 2017. On June 11, 2019, a Notice of Removal [Doc. No. 1] was filed, removing the case to this Court.

On August 3, 2020, Miciotto filed a Motion for Partial Summary Judgment [Doc. No. 80] as to liability maintaining that the accident was the sole fault of Hobby Lobby. On August 10, 2020, Hobby Lobby filed a Memorandum in Opposition to the Motion for Partial Summary Judgment.

A Motion for Summary Judgment should only be granted when there is no genuine issue as to a material fact and the moving party is entitled to judgment as a matter of law. In this case, there are material issues of fact regarding the liability of Hobby Lobby and/or as to comparative fault on the part of Miciotto.

Since material issues of fact exist, Miciotto’s Motion for Partial Judgment [Doc. No. 80] is DENIED.

THUS DONE AND SIGNED this 1<sup>st</sup> day of September, 2020, in Monroe, Louisiana.

  
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**TERRY A. DOUGHTY**  
**UNITED STATES DISTRICT JUDGE**